

July 24, 2008

SUMMARY NOTES, AND RESULTING RECOMMENDATION, OF
MEETING OF COMMISSIONERS SERVING ON THE DELTA VISION
STAKEHOLDER COORDINATION GROUP (SCG DPC Members) HELD ON JULY
15, 2008 TO DISCUSS DELTA VISION STRATEGIC PLAN (DRAFT NO. 2) (Draft
Plan)

Commissioners (SCG DPC Members) in attendance: Simonsen, van Loben Sels, Mark
Wilson

Commissioners (SCG DPC Members) unable to attend: McGowan, Cabaldon, Ferguson

Other attendees: Commissioner Reagan, Marci Coagline, Stephanie Patrick

Staff: Linda Fiack

The meeting was held pursuant to Commission direction to the SCG DPC Members to review the Draft Plan as relates to the Delta Protection Act (Act), the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) and the Commission's 2006-2011 Strategic Plan (Strategic Plan) in order to provide the Commission with a recommendation as to whether comments on the Draft Plan should be prepared and submitted by the Commission.

The above-referenced Commission documents, as well as the Multi-County Resolution on Water and Delta Related Issues (prepared and adopted by the five Delta counties) (Resolution), and the "Draft" North Delta Water Agency Policy Principles (prepared relative to the Bay Delta Conservation Plan but also applicable to Delta Water related issues) (NDWA Draft Principles) were considered in the discussion.

There was agreement by the SCG DPC Members in attendance that the Resolution and the NDWA Draft Principles were compatible with the goals and policies of the Commission's Management Plan. Thus, the Act, Management Plan, and the Strategic Plan together with the Resolution and NDWA Draft Principles provided guidance for the discussion resulting in the recommendation now being brought forward to the Commission for consideration.

RECOMMENDATION: Direct the SCG DPC Members and staff to prepare a letter of comment from the Commission to the Delta Vision Blue Ribbon Task Force (no later than the August 4, 2008 deadline for written comments on the Draft Plan) with a focus on the areas noted, in summary, below and taking into consideration additional Commission Member input and discussion on July 24, 2008.

General Comments:

Structure and Governance:

- Delta as a Place should be a co-equal value.

- It should be clarified if the appeal authority provided to the California Delta Ecosystem and Water Council (Council) only relates to the California Delta Ecosystem and Water Plan or if it also replaces the appeal authority of the Commission by giving it to the Council which does not have local representation.
- Concern that if appeal authority and state representation are moved to Council that Commission will merely be an enforcer of Council actions rather than an integral player in action decisions and implementation relative to land use and economic development as well as other components of the Management Plan. .
- Concern that decisions made by the Council relative to the two co-equal values promotes externally dictated land use, particularly if appeal authority is removed from Commission.
- The need for Commission funding support should be identified in areas where Commission responsibility is cited.
- Acknowledgement of locally “accountable official” representation should be prominently identified in governance structures, including on the Commission, the Council and Conservancy. Consider if State and local government entities should be separated in some form among the three structures. Ways to enhance state accountability should be encouraged.
- How the Commission would interrelate with local land use authorities in development special area plans should be more clearly defined.
- Promote the creation of an in-Delta Conservancy using Sierra Nevada Conservancy as model (in contrast to an extension of the Coastal Conservancy) in order to assure local government and stakeholder inclusion in decision making. Provide for assured cross coordination of conservancy and Commission.
- The need for streamlined/general permitting for activities to be implemented pursuant to the strategic plan should be acknowledged and tools for accomplishment provided.
- Consider that lack of local representation on CALFED structure contributed to potential ineffectiveness.
- Influence that State agencies will have under the Council in contrast to representation on the Commission should be clarified as relates to local government and stakeholder influence on decision-making.
- Consider stakeholder input to the Council be provided to the Commission rather than an additional stakeholder structure.
- Concern that governance structure is becoming segmented to the detriment of effectiveness. Roles of Delta Operations Team and Delta Science Program in relationship to the Council rather than other components of the governance structure needs to be clarified.
- The provision of the Delta Protection Act and the Commission’s Management Plan that eminent domain can only be utilized in “willing landowner” situations should be taken into consideration in the Plan and the activities of the Council.

Sustainability and Resoration:

- Funding for levee “maintenance” and related dredging activities to provide material for levee maintenance should be cited throughout the document where levee sustainability is referenced.

- Streamlined process, including environmental review, should be provided for relative to levee maintenance activities. The Delta Dredging LTMS effort underway by the Corps of Engineers should be given consideration for achieving streamlined permitting and environmental documentation.
- Maintain a diverse and highly productive agricultural economy should be a prominent objective throughout the plan.
- Encouragement of value added agricultural programs including ag-tourism should be cited as a priority.
- Consider providing Commission with authority to hold title to ag conservation easements to assure that ag easements are promoted as well as habitat easements to be developed by a Conservancy.
- Conversion of lands to habitat need to consider specific characteristics as relates to ag not just habitat needs. Publicly owned lands should be identified as initial priority for conversion.
- Economic costs and cumulative loss to agriculture are lacking.

Specific Comments:

Governance and Finance Actions

- Introduction (p. 15, l. 25-27): Clarification is needed as to export of non-surplus to area of origin water right holdings.
- Goals (p.3, l.6): In-Delta and local interests should be included as well as State interests.
- Strategy 1
 - (p. 16, l. 12): Should include local as well as state interests.
 - (p. 16, l. 33-35): Will this action constitute a wheeling fee?
 - (p. 16, l. 44-46): The Commission's role in emergency planning and response in partnership with OES should also be included.
 - (p. 17, l. 2): Funding sources should be identified or the need for such should be Acknowledged. Also, in order for the Commission to purchase land easements, the Delta Protection Act would have to be amended so that should be noted.
 - (p. 17, l. 18-21): Concern about lack of effective interaction with Commission, Local government and stakeholders.
 - (p. 17, l. 30): Use Sierra Nevada Conservancy as model rather than an extension Of the Coastal Conservancy.
 - (p. 17, l. 45): Need to establish functionality parameters/goals relative to essential Arteries of regional dependency.
 - (p. 18, l. 3): Consider whether non-profit should be included.
 - (p. 18, l. 17-22): Local governments should be included. Consideration should be given as to whether this function could be accomplished via the Commission.
- 1.1 and 1.3: Clarification is needed as to how state and local government representation, as well as stakeholder and non-profit organizations can be effectively structured within the Council, Conservancy and/or Commission.
- 1.2: Perhaps the word govern as relates to the Commission overseeing/monitoring land use needs to be more clearly defined as to how it relates to local government authority and jurisdiction. Consideration should be

given to better defining interests (not just relative to state interests). Consistency determinations should remain as they currently are: local gov't. first then Commission through appeal authority. Appeal authority should not be entirely moved to the Council.

- (p. 19, l. 13-14): should also reflect local and stakeholder interests not just state.
- 1.3 (p. 19, l. 31-37): Should address need for limits to protect ag as conservancy should focus on ag as well as habitat conservation or this function could be given to Commission.
- (p. 19, l. 43): Funding sources need to be identified.
- (p. 20, l. 7): Should be reiterated that Delta Protection Act and the Management Plan policies currently do not allow for eminent domain acquisitions.
- (p. 20, l. 17-19): business ag as well as ag tourism should be acknowledged.
- 1.4 and 1.5: It is unclear how the Delta Operations Team and the Delta Science Program will be authorized to function relative to the overall governance and coordination scheme. It should be clarified if activities will become regulated by the PUC.
- 2.1: It is unclear how local land use decisions will be recognized relative to the focus on habitat.
- (p. 23, l. 14-18): Concern that power of Council will overshadow role and authority of Commission to becoming merely an enforcer rather than playing an active role in decision making with input from local government and stakeholders.
- (p. 25, l. 4-7): This should include acknowledgement of potential impacts to ag.
- Strategy 3: Is this really calling for a water tax?
- (p. 27, l. 29-31): Economic development incentives should be included.
- (P. 27, l. 41-42): Levees subventions should be specifically referenced.
- Performance Target Schedule (p.4 and 5): Needs clarification as to how numbers will be defined; what happens if an action is denied; who will be considering performance; how will in a timely manner be defined; consistency needs to be addressed. Consideration should be given to adding Return on Investment: Aggregate total economic activity of lands within Delta (in constant \$) generating tax revenues as percentage of State investment on an annual basis.

Ecosystem Actions

- Goals (p.6, l.14): Important human services should be defined.
- Strategy 4 (p.6, l. 22): Consideration should be to include Suisun Marsh as example of other effective estuaries.
- 4.1 (p.6, l.33): Physically feasible should be deleted as without a restriction or a modifier it provides for potential conversion of all lands where it is hydrologically possible. Recommend indicating where it is physically feasible on public and NGO owned lands or where it is financially possible on marginal farm land and/or willing sellers.
- (p. 31, ls. 39 and 40): Delete Sutter and New Hope Islands. They are out of place when compared to the other islands on the list for the following reasons: highly productive ag lands; in the famous Lodi and Clarksburg wine growing regions; Sutter Island is mapped out of the 100-year flood zone; New Hope is well drained

and has deep, well drained soil, both islands are planted to permanent trees and vines; both islands have state of the art reclamation districts; both islands receive the highest water quality; tomato yields on both islands are outstanding; alfalfa quality on the two islands is one of the best in the delta; both islands have many homes, shops and value added components.

The tidal marsh list should include public lands and the NGO lands: Bean Ranch and upstream bypass on Mokelumne River; Stone Lakes; Glide Ranch in the Yolo Bypass; BLM, DU, TNC lands on the Mokelumne. Prime privately owned and farmed lands should not be made tidal.

- 4.1 and 4.3: There should be clarification provided as how the two differ from one another.
- 5.1: X2 should be given consideration relative to this action.
- 5.4: Should this clarify storage periods relative to wettest periods?
- 6.3: Ag diversions should be given consideration.
- 6.5: The impacts of fallowing ag land should be acknowledged and addressed, including impact to profit related to ag production activities.
- Performance Target Schedule (p.7): Figures should be adjusted to acknowledge Suisun Marsh Charter options.

Water Supply and Reliability Actions

- Goals:
 - (p.9, l. 4): Sustainability of built environment operations and maintenance should be given consideration.
 - (p.9, l. 10): Should include language that assures without harm to Delta as a Place.
- 7.1 (p. 44): A bullet should be included that provides for measuring all return flows from the numerous reclamation districts they such districts only use the net amount of water (what is pumped in) less the returns to the system.
- 7.3: Provide mitigation for new water use needs to be clarified.
- 7.7 (p.49): Should provide for protection of Delta as a Place through limitations on the percent of Delta water that may be transferred so that Delta as a Place will not be negatively impacted which would be likely if too high of a percentage of quality water is transferred to other parts of the state.
- 8.2: Should include provision for storing releases in Delta before major storm events.
- 8.5: Address the costs to agriculture interests that could be associated with this action.
- 9.2: Include in-Delta and agricultural users as well as regional users.
- 9.5: Ag users should also be acknowledged.
- 9.6: Better definition is needed as to what this action really means.
- (p73, l. 32) Add: permanent flood flow easements.
- (p. 75): Add: preserve and protect the most productive agricultural soils especially those that are in areas that receive high quality water.

- Performance Target Schedule (p. 10 and p. 11): Consider language saying limit export to annual yield of storage to Row 3; Consider adding water quality parameters in East and West Delta in Row 5.

Delta as a Place Introduction and Actions

- Goals (p. 12, l. 13): Add and address potential conflict.
- Strategies (p. 12, l. 17): Include important agricultural production/processing tourism.
- (p. 5, 12 and 66): Add Maintain a diverse and highly productive agricultural economy.
- (p. 66, l. 46/p. 68, l. 12/13): Add agriculture economy.
- 10.1 (p. 68, l. 1-4): Examples such as Delta Chambers should be provided.
- 10.2 (p. 12, l. 35): Add that State should provide economic development incentives and funding.
- 10.3 (p. 69, l. 10-17): Consideration should also be given to creation of a State Tourism Region.
- 10.4: Should be limited and phased to first gather success rate data from pilot projects. Should include provisions for economic incentives and no net costs to adjacent landowners or local governmental entities. Funding mechanisms for operations and maintenance should be identified.
- 10.5: Examples that have been referenced such as tule growing should include provisions for funding studies as to whether such transitional forms of farming would be profitable. In-delta storage should be noted for consideration.
- (p. 70, l. 14): Funding, including for operation and maintenance, should be addressed and clarified as to not become a burden on local governments and districts.
- (p. 70, l. 41-42): It should be clarified that this would not pertain to all agriculture.
- (p. 71, l. 11): Potential for economic development should be noted.
- (p. 71, l. 29): Confirmation of salinity level in Suisun Bay should be provided.
- (p. 71, l. 38): Other water sports should be acknowledged such as skiing.
- 11.2: Local interests as well as state interests should be included.
- 11.1 (p. 72, l. 40-41): It should be clarified as to who would have authority over these areas. Local role in planning should also be clarified.
- (p. 75, l. 12-14): Should provide clarification of authority for implementation as relates to local government.
- 11.3: This should clarify role of local government as well as Commission rather than state interests in implementing this action.
- 12.3 (p. 3, l. 15-17): Funding sources should be identified or at least the need for funding should be acknowledged, particularly with respect to Commission's role. Should be clarified that local governments would also be participant and funding need would be included in the Commission/OES process.
- (p. 79, l. 1-4): Clarification should be provided as to what authority would mandate this action and where would funding come from.

- Performance Target Schedule (P. 13-14): Agricultural Tourism should be highlighted as a form of tourism.

Attachments: Management Plan Goals and Policies

2006-2011 Strategic Plan (w/o annual tasks)

Multi-County Resolution on Water and Delta Related Issues

North Delta Water Agency "Draft" Principles

Letter from DPC to DVBRTF Chair Regarding Governance